IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2636 OF 2007

1. Guruprasad Pediwal,
2. Ramkumar Kaluram Pediwal. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

K.A.J.Merchant with M.K.Jain for the applicants.
Rajesh More, APP for the State.
M.S.Mohite for the original complainant.

CORAM: V.C.DAGA, J.

DATED: 13th August 2007.

P.C.:

. Heard learned counsel for the applicants, and learned A.P.P. for the State and learned counsel for the original complaint.

2. This application is under section 438 of Code of Criminal Procedure, 1973. The applicants are apprehending their arrest in C.R.No.37/2007 registered with Chavani Police Station, Malegaon, Nashik for the offences punishable under sections 384 read with section 34 of Indian Penal Code on the basis of the complaint filed by Mr.Sunil Nandlal Rankwat.

3. The entire dispute revolves around the recovery of money. The nature of dispute is nothing but a civil dispute between the parties. A complaint was filed by applicant No.1 against the complainant. A counter complaint is filed on 13th February, 2007 and F.I.R. is lodged against the applicants by the complainant Mr.Sunil Rankwat, an Advocate practising at Malegaon alleging receipt of certain threatening calls. The investigating officer even did not bother to find out from which mobile number these threatening calls were received. If the investigating officer wanted to investigate the matter, it was not difficult for him to find out the mobile number.

4. Considering the nature of transactions between the parties and the complaint and counter complaint against each other, I am inclined to grant pre-arrest bail to the applicants, subject to the following conditions:

(a) In the event of arrest of the applicants in connection with C.R.No.37/2007 registered with Chavani Police Station, Malegaon, Nashik, they shall be released on bail of Rs.1,00,000/- each with one or two sureties to make up the said amount.

(b) The applicants shall report to concerned Police Station as when called and shall co-operate with the investigating agency.

(c) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicants to apply for regular bail before regular court.

(e) It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

5. Application stands disposed of accordingly.

JUDGE